

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of:

Request for Review of a decision)	
by the Schools and Libraries Division)	Administrator Correspondence Dated
Clovis Municipal School District)	February 7, 2018
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

Billed Entity Number: 143327

FCC Registration Number: 0015526957

FCC Form 471 Application number: 161046497

Funding Request Numbers: 1699104668, 1699104692

On December 19, 2014, the FCC released the Second Report and Order and Order on Reconsideration (FCC-14-189A1) which provides up to an additional 10 percent discount in category one funding to match state funding for special construction charges in support of high-speed broadband. Following the Order, the State of New Mexico's Public School Capital Outlay Council (PSCOC) implemented the Governor's New Mexico School Connectivity Broadband Deficiencies Correction Fund (BDCP). Backed by state legislation, the BDCP provides matching funds up to 10% for special construction of fiber optics to connect New Mexico schools to broadband levels matching the FCC's target goals.

As a matter of business, USAC reviews and approves all State Match programs to ensure that they comply with the FCC's definition of eligible matching fund sources. New Mexico's program is listed on USAC's web site as approved matching funds, which implies that USAC has intimate knowledge of the BDCP program: <https://www.usac.org/sl/applicants/beforeyoubegin/state-matching-provision.aspx>

In anticipation of E-rate Funding Year 2016, and with the assistance of New Mexico's Public Schools Facilities Authority (PSFA), Clovis Municipal Schools (Clovis, or The District) released an RFP requesting proposals from service providers to connect Gattis Elementary School via fiber to the District's data center. Proposals were received and compared, and the most cost-effective solution was selected. Special Construction charges were proposed by all respondents.

Clovis Municipal Schools applied for and was committed matching state funds through the BDCP program. Clovis's regular E-rate discount was determined to be 80% based on the enrollment and eligibility of students for free or reduced lunch. Clovis was awarded a 10% state match and received a letter committing the state to provide 10% of the special construction costs, not to exceed \$16,000. The total amount of special construction was proposed to be \$124,480, pre-tax.

Clovis Municipal Schools filed E-rate Form 471 number 161046497 within the filing window. The application was reviewed by USAC to ensure that FCC rules were followed. During the review Clovis was asked by the reviewer to show evidence that there was a State Match. The District complied.

Previously unnoticed by the District was a ministerial error in which the state match amount on the application was listed at \$3,000. The amount of the state match was left un-modified and the application was funded with the incorrect amount.

The District appealed the decision to USAC in a timely manner, pointing out the evidence that there was a ministerial error. The District requested that USAC revise the application to include the correct State Match amount and taxes, both of which were incorrect on the application. USAC denied the appeal.¹

In FCC-06-54, commonly known as the Bishop Perry Order, the FCC provided remedy to applicants so that they may obtain access to the services that they need. Additionally, the FCC required, "...USAC to provide all E-rate applicants with an opportunity to cure ministerial and clerical errors on their FCC Form 470 or Form 471..."²

Clovis Municipal Schools, located in a remote rural location in Eastern New Mexico is in great need of the corrected amount of funds so requests the opportunity to correct the ministerial errors on their application. This is not an extra charge that occurred after the application was filed, but a legitimate error. There is no evidence of waste, fraud or abuse, and there was no violation of rules.

Clovis requests a revised funding commitment to show the correct matching funds percentage of 10% and to reflect the Second E-rate Modernization Report and Order and Order on Reconsiderations establishment of up to an additional 10 percent in category one funding to match state funding for special construction charges. In other words, the revised discount amount showing USAC's commitment should be 90%, as the State Match is 10%. Additionally, Clovis Municipal Schools asks for addition to the funding request of the taxes on the project which total \$7,664 for the fiber build and \$42.88 for maintenance. These amounts are eligible charges which were mistakenly not included in original application amount and also denied on appeal.

Respectfully submitted:

Eric Wimbish

Executive Director of Technology, Clovis Municipal Schools



¹ The Post-Commitment Rationale, as quoted from the Revised Funding Commitment Letter: Your appeal has brought forward persuasive information that the appealed decisions should be denied. Your request to increase the State March amount and add taxes cannot be done post-commitment.

² FCC 06-54 par.23